

THE COCHRAN FIRM

MISSISSIPPI DELTA

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August 2, 2022

Via Certified Mail

CRR#: 7020 1810 0000 0138 7659; 7020 1810 0000 0138 7666

Madison County
Attn: Ronny Lott, Chancery Clerk
146 W Center Street
Canton, MS 39046

Sheriff Randy Tucker
2941 U.S. Highway 51
Canton, MS 39046

WRITTEN NOTICE OF CLAIM UNDER MISS. CODE §11-46-11

Our Client: Darius Williams
Date of Incident: February 1, 2022
Location of Incident: Madison County

To Whom It May Concern:

Written Notice of the Intention to Begin Legal Action

Please allow this letter to serve as written notice in accordance with Miss. Code §11-46-11 of the intention to begin a legal action resulting from a police brutality incident against you by Darius Williams for the injuries and damages to Mr. Williams. Darius Williams has retained The Cochran Firm – Mississippi Delta to pursue his claims for violation of constitutional rights and negligence against Madison County, MS, Sheriff Randy Tucker, Deputy “John” Love, Deputy “John” McDonald, and John Does 1-2 for the injuries and damages sustained on February 1, 2022.

Legal Basis of the Claim

The legal basis of the claims against you are based on the injuries/damages sustained by Darius Williams while he was a pretrial detainee in the custody of the Madison County Detention Center on unrelated charges. Mr. Williams’ constitutional rights were violated under 42 U.S.C. §1983. The state law claims include, without limitation, Title 11, Chapter 46, known as the Mississippi Tort Claims Act, §11-7-13 of the Mississippi Code of 1972, as amended, common law claims of negligence and intentional torts.

EXHIBIT A

At all times during the subject incident involving Darius Williams and Madison County, MS (Madison County Detention Center) deviated from the standard of safety, by failing to comply with the County's own rules of conduct as it relates to engaging, interacting, and/or monitoring of pre-trial detainees. As a result of all the aforementioned Defendants' negligent actions and misconduct, Mr. Williams sustained significant damages. Other claims against said defendants include but are not limited to constitutional violations, assault and battery, gross negligence, negligent/intentional infliction of emotional distress, reckless disregard, and negligent/gross negligent supervision, hiring, training, and retention of the deputies/jailers/individuals in question.

Summary of Facts

On February 1, 2022, at an unidentified time, Darius Williams was in the custody of the Madison County Detention Center. While Mr. Williams was a detainee under the control of Madison County, he was attacked by several guards on-duty, specifically Deputy "John" Love, Deputy "John" McDonald, and John Does 1-2). At all times pertinent to the subject incident, Mr. Williams was in handcuffs and inside of his cell. Following the unwarranted physical attack, Mr. Williams was put on lockdown inside of his cell, and later received medical assistance. As a result of the attack, Darius Williams suffered two broken jaws. He later had to have a surgical procedure to place plates inside of his jaws.

Types of Loss Sustained, Including with Specificity the Nature of Injuries Suffered

As a direct and proximate result of the aforesaid violation of constitutional rights under 42 U.S.C. §1983, and negligence of the Madison County, the following losses, injuries and damages were sustained for which Plaintiff seeks recovery:

- a. Severe facial trauma/injury (broken jaws); trauma to the face, and trauma to body as a whole;
- b. Medical and other healthcare-related expenses of Darius Williams;
- c. Physical pain and suffering of Darius Williams;
- d. Mental anguish and emotional pain and suffering of Darius Williams;
- e. Past, present, and future physical pain and suffering;
- f. Past, present, and future mental anguish and emotional pain and suffering of Darius Williams;
- g. Punitive damages as allowable by law; and
- h. All damages of every kind of the Plaintiff as provided under Miss. Code §11-46-11 and allowable under the laws of the State of Mississippi.

My client suffered and continues to suffer monetary losses from the injuries including mental, emotional pain, and anguish. Mr. Williams hereby demands \$500,000 from the Madison County, Sheriff Randy Tucker, and John Does 1-5 for both compensatory and punitive damages. At the time of the injuries, my client was a resident citizen of Madison County, Mississippi, and is currently a resident of Madison County, Mississippi.

Please forward this notice of claim to your liability carrier, and have said carrier contact me as soon as possible.

Sincerely,

THE COCHRAN FIRM - MS DELTA

A handwritten signature in cursive script that reads "Carlos E. Moore".

Carlos E. Moore, Esq.

CEM/ld
cc: client